

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION

LINDSAY KAMAKAHI and JUSTINE LEVY, individually, and on behalf of themselves and all others similarly situated,

10 | Plaintiffs,

11 | VS.

**12 AMERICAN SOCIETY FOR
REPRODUCTIVE MEDICINE; SOCIETY
13 FOR ASSISTED REPRODUCTIVE
TECHNOLOGY,**

Defendants.

Case No: C 11-01781 SBA

ORDER

Docket 54.

On March 14, 2012, this Court issued an Order granting Plaintiff Lindsay Kamakahi's ("Plaintiff") motion to consolidate Kamakahi v. American Society for Reproductive Medicine, et al., C 11-01781-SBA with the related action Levy v. American Society of Reproductive Medicine, et al., C 11-03803-SBA. Dkt. 52. The Court ordered Plaintiffs Lindsay Kamakahi and Justine Levy (collectively "Plaintiffs") to file a consolidated complaint within thirty (30) days from the date of that Order. *Id.* The Court also ordered Defendants American Society for Reproductive Medicine and Society for Assisted Reproductive Technology (collectively "Defendants") to file a responsive pleading in accordance with Rule 12 of the Federal Rules of Civil Procedure. *Id.*

On April 6, 2012, the parties filed a stipulation requesting that the Court treat Defendants' previously filed motion to dismiss the complaint in the Kamakahi action, Plaintiff's opposition, and Defendants' reply as having been filed in connection with the yet

1 to be filed consolidated amended complaint. Dkt. 54. The stipulation further requests that,
2 in the event the Court decides to hear oral argument, the matter be set for hearing on May
3 31, 2012. *Id.* On April 12, 2012, Plaintiffs filed a consolidated amended complaint. Dkt.
4 55.

5 Having read and considered the stipulation filed by the parties, the Court hereby
6 DENIES the parties' request to treat Defendants' previously filed motion to dismiss in the
7 Kamakahi action, Plaintiff's opposition, and Defendants' reply as having been filed in
8 connection with the consolidated amended complaint. Defendants shall file a responsive
9 pleading to the consolidated amended complaint in accordance with Rule 12 of the Federal
10 Rules of Civil Procedure. In the event Defendants file a motion to dismiss, Defendants
11 shall notice the motion for hearing in accordance with the Civil Local Rules and this
12 Court's Standing Orders. This Order terminates Docket 54.

13 IT IS SO ORDERED.

14 Dated: 4/20/12



SAUNDRA BROWN ARMSTRONG
United States District Judge

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